

# ***FISH & WILDLIFE COMMISSION AGENDA ITEM COVER SHEET***

**Meeting Date:** March 12, 2015

**Agenda Item:** Big Hole River and Powerhouse FAS Closure Rule

**Division:** Fisheries

**Action Needed:** Proposed

**Time Needed on Agenda for this Presentation:** 10 minutes

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## **Background**

The Montana Department of Transportation (MDT) notified FWP in 2014 of its intention to repair and upgrade Silver Bridge on the Big Hole River beginning July 1, 2014. Due to several construction delays, work on Silver Bridge was not completed before the projected Dec. 1, 2014 project completion date. Work was halted for the winter and will resume again with a projected start date of July 1, 2015.

MDT will again require the contractor to provide safe public float passage, including a 40-foot opening between instream construction-related obstructions, and appropriate navigational signage and hazard posting. MDT informed FWP that it does not anticipate that the construction will create conditions that require temporary closures of the river or the fishing access site. As a precaution, however, MDT has asked the Commission to reauthorize a rule that would let FWP, in consultation with the local Commissioner, temporarily close the river and/or the FAS to all activity during the new construction timeline (July 1 through Oct. 15, 2015). The contractor, with confirmation from MDT, would be required to notify FWP of such a request. The contractor would be responsible for posting signs at upstream access sites notifying the public about any temporary site or river closures. FWP understands that the Big Hole River is very popular among anglers and important to the regional tourism economy. For these reasons, FWP would only consider closures if there are no other reasonable alternatives.

## **Public Involvement Process & Results**

Upon proposal of the rule, FWP would invite public comment and report back to the Commission with a final recommendation.

## **Alternatives & Analysis**

The Commission could choose not to propose a rule that would allow closing the river to all activity. Without this proactive option, emergency conditions might precipitate adoption of an emergency rule to close the river and/or the access site. FWP would prefer to have the ability to anticipate such needed actions to enhance public notice and safety.

## **Agency Recommendation & Rationale**

FWP recommends that the Commission propose the rule and initiate public involvement. The rule would allow FWP to assess the contractor's request with input from MDT for a closure and determine whether such action is warranted and whether there are alternatives that would have less impact on recreation opportunities without jeopardizing public safety.

## **Proposed Motion**

I move that the Commission propose an annual rule authorizing FWP, in consultation with the local Commissioner, to temporarily close a portion of the Big Hole River and/or the Powerhouse Bridge FAS to all activity, as may be necessary to safely complete repairs of Silver Bridge during the time period July 1 to Oct. 15, 2015.